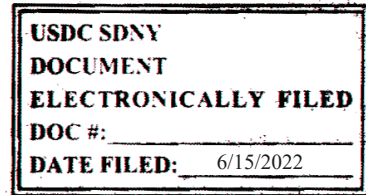


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MD-01570 (GBD)(SN)

ORDER

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SARAH NETBURN, United States Magistrate Judge:

This document relates to:

O'Neill, et al. v. The Republic of Iraq, et al., No. 04-cv-1076

Plaintiffs in O'Neill, et al. v. The Republic of Iraq, et al., No. 04-cv-1076 (the "O'Neill Plaintiffs"), move to amend their complaint under Federal Rule of Civil Procedure 15, or in the alternative, to add parties under Rule 21. They also request certain additional considerations to facilitate the intervention or amendment. ECF No. 8106.

Federal Rule of Civil Procedure 15(a)(2) permits a party to amend its complaint with the court's leave. Courts are directed to "freely give leave when justice so requires." Id. This decision is committed to the discretion of the court, McCarthy v. Dun & Bradstreet Corp., 482 F.3d 184, 200 (2d Cir. 2007), but granting "leave to amend is the 'usual practice,'" Bank v. Gohealth, LLC, No. 21-cv-1287, 2022 WL 1132503, at *1 (2d Cir. Apr. 18, 2022) (quoting Hayden v. Cnty. of Nassau, 180 F.3d 42, 53 (2d Cir. 1999)). See Foman v. Davis, 371 U.S. 178, 182 (1962) (finding that leave to amend should be granted "[i]n the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment")


The O'Neill Plaintiffs' motion is GRANTED, and it is further ORDERED that:

- The underlying complaint in O'Neill, No. 04-cv-1076, is amended to include the 71 parties identified in the O'Neill Plaintiffs' appendix at ECF No. 8109-1 (¶¶ 3017–3087) as parties in the action against the Taliban;
- This amendment supplements, but does not displace, the underlying complaint in O'Neill, No. 04-cv-1076;
- Prior rulings, orders, and judgments entered in this case remain in effect as to all parties;
- Further service on the Taliban is not required as a result of this amendment, and prior service orders apply, including the Court's order on service by publication at ECF Nos. 445, 488; and
- O'Neill Plaintiffs shall file the amended complaint authorized by this Order and attached as an exhibit at ECF No. 8108-1 by June 22, 2022.

The Clerk of the Court is respectfully directed to terminate the motion at ECF No. 8106, and the related motion at ECF No. 630 in O'Neill, No. 04-cv-1076.

SO ORDERED.

Dated: June 15, 2022
New York, New York



SARAH NETBURN
United States Magistrate Judge